

**REMARKS**

This paper is submitted in response to the final Office action that was mailed on May 7, 2008 (the "Final Office Action").

Claims 1-3, 5-10, and 12-46 are pending, including new claims 42-46. No claims have been canceled in this paper.

Claims 1-3, 5-10, 12-15, and 18 have been amended to address matters of form and to more clearly indicate the claimed invention.

Claims 1-3, 5-10, and 12-41 stand rejected.

The amendments add no new matter. Support for the amendments may be found throughout Applicant's originally filed Specification and Drawings, for example on pp. 43, 44, 59, 89, and 90, and in FIG. 29.

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicant has chosen to respond as follows. Applicant reserves the right, for example in a continuing application, to establish that the cited references, or other references cited thus far or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

The amendments to the claims have been made to expedite prosecution. Applicant reserves the right, for example in a continuing application, to pursue the previously pending claims or claims similar thereto. Applicant respectfully submits that the pending claims are allowable in view of the following remarks and the above amendments, and respectfully requests reconsideration of the pending rejections.

**Formal Matters – Previous Amendment Dated January 19, 2006**

Applicant notes that a previous amendment, dated January 19, 2006, included various clerical errors. For example, this previous amendment included added claim language of “via” (in claim 1; this word was subsequently deleted by an amendment on August 7, 2006), “a graphical user interface generated by a computing device” (claim 1), and “graphical” (claim 10). The previous amendment did not, however, mark these additions by underlining. This previous amendment also omitted certain claim terms, such as “computer-implemented” (claims 1-3, 5-10, and 12-15) and “in a computer memory” (claims 1 and 10). The previous amendment did not, however, mark these omissions by strikethroughs or brackets.

To address these clerical errors, Applicant has provided markings in the above claim listing to explicitly indicate these additions or undo these deletions.

**Formal Matters – Examiner’s “Response to Arguments”**

The pending Final Office Action appears to include a clerical error in a section on pp. 5-6. This section of the Final Office Action is entitled “Response to Arguments,” but it does not actually respond to arguments made in Applicant’s previous response. Rather, the text of this section appears to be a verbatim reproduction of arguments that were previously presented on p. 4 of the Office Action dated July 30, 2007. These old arguments have already been addressed in Applicant’s response dated December 31, 2007, for example on pp. 14-16.

Applicant respectfully submits that the present Final Office Action does not substantively address the arguments or amendments that were presented in Applicant’s response dated December 31, 2007. Nonetheless, Applicant responds fully to the pending Final Office Action.

**Formal Matters – Status of Claims**

The Final Office Action includes an indication on p. 2 that claims 1-3, 5-10, and 12-41 have been amended. Applicant believes that this indication is a clerical error. For example, Applicant's claims 17, 19, 20, 22, 25, 28, and 30 have not been amended since they were originally filed, and remain pending in their original form.

**Rejection of Claims under the Written Description Requirement**

**of 35 U.S.C. § 112, First Paragraph**

Claims 32, 35-36, 38, and 40 stand rejected under 35 U.S.C. § 112, first paragraph as purportedly failing to meet the written description requirement. The rejection of these claims rests on the Examiner's concerns, on p. 3 of the Final Office Action, regarding the claim term "abstraction layer."

This rejection appears to be a clerical error since it is based on a previous version of Applicant's claims. Applicant's pending claims do not include a claim term of an "abstraction layer." Applicant brings to the Examiner's attention that the term "abstraction layer" was amended from the claims in Applicant's response dated December 31, 2007. In those amendments, the term "abstraction layer" was amended to read "abstraction between the VBC and a search adapter."

Further, the Final Office Action correctly notes that Applicant's originally filed disclosure does support the claim terms relating to an "abstraction." See Final Office Action, p. 4.

In addition, Applicant's originally filed disclosure provides support for the present claim language of "a layer of wrapping over a plurality of databases" in claims 32, 35-36, 38, and 40.

Support for this phrase may be found, for example, on p. 41, lines 9-12 of the originally filed Specification. This passage describes an example of a “Virtual Business Component 2305, 2310 (shown in Figure 23) [that] generally represents external data as a business component, which generally provides a layer of wrapping over database tables.” Specification, p. 41, lines 9-12 (emphasis added).

In view of the underlying support in Applicant’s original disclosure, Applicant respectfully submits that claims 32, 35-36, 38, and 40 are allowable under the written description requirement of § 112, first paragraph.

**Rejection of Claims under 35 U.S.C. § 112, Second Paragraph**

Claims 31-35, 36, 39, and 40 stand rejected under § 112, second paragraph. In particular, the Final Office Action expresses a concern on pp. 2-3 regarding a “negative limitation.”

Applicant respectfully submits that the Final Office Action does not point to any purported negative limitations in Applicant’s claims. The Final Office Action fails to present any argument regarding why any of Applicant’s specific claim language purportedly renders the claims unpatentable. As such, the rejection in the Final Office Action is vague. In view of this shortcoming, Applicant respectfully requests that the rejections under § 112, second paragraph be withdrawn.

Nonetheless, Applicant attempts to address the pending rejection. After a review of the claims, Applicant surmises that the Examiner’s concern may be related to the limitation in claim 33 that a search execution business service “is not tied to” a database, and similar limitations in claims 34, 35, 37, 39, and 41. If this understanding is in error, Applicant

respectfully requests clarification in a non-final Office Action that more clearly describes the rejection.

Applicant respectfully submits that claims 33-35, 37, 39, and 41 are allowable under § 112, second paragraph. As noted in the Final Office Action, “[s]ome older cases were critical of negative limitations because they tended to define the invention in terms of what it was not, rather than pointing out the invention.” (Final Office Action, p. 2; *see also*, § 2173.05(i) of the *Manual of Patent Examining Procedure* (Ed. 8, Rev. 6, Sep. 2007) (“MPEP”).) However, as also noted in the Final Office Action and in MPEP § 2173.05(i), claims with negative limitations are considered definite under § 112, second paragraph in situations where the negative limitations exclude characteristics of a prior art product, where each recited limitation is definite, or where the boundaries of the patent protection sought are clear. Applicant respectfully submits that claims 33-35, 37, 39, and 41 meet these standards.

Applicant notes that “[a]ny negative limitation or exclusionary proviso must have basis in the original disclosure.” MPEP § 2173.05(i). In the case of pending claims 33-35, 37, 39, and 41, Applicant’s originally filed disclosure includes a detailed discussion of the technology related to the limitations in question:

Once the Search Category or Categories and the search text or keyword are passed to the Search Execution VBC 2305 (shown in Figure 23), the VBC 2305 invokes a registered business service called the Search Execution Service 2315 and passes along the Search Category or Categories and the search text or keyword as parameters (block 2220 of Figure 22). A business service 2315, 2320, 2325, 2330 (shown in Figure 23) is generally an object encapsulating and simplifying the use of a set of functionalities. Business component objects are typically tied to specific data and tables. On the other hand, business services 2315, 2320, 2325, 2330 are not tied to specific data and tables. Rather, business services 2315, 2320, 2325, 2330 operate or act upon objects to achieve a particular goal. Business services 2315, 2320, 2325,

2330 are generally used to simplify the task of moving data and converting data formats between applications.

Business services 2315, 2320, 2325, 2330 use property sets for input and output. A property set is generally a hierarchical data structure that can include name-value pairs. An example of a name-value pair can be (FontColor=Green), where FontColor is a property and the name-value pair sets the value of the FontColor property to the value of Green. A property set can also include one or more child property sets. Each child property set can in turn include one or more grandchildren property sets.

Specification, pp. 41-42 (emphasis added). In view of these and other teachings in Applicant's originally filed Specification, Applicant respectfully submits that the claim limitations regarding a business service that "is not tied to" a database are supported by an appropriate basis in the original disclosure.

At least for these reasons, Applicant respectfully submits that claims 33-35, 37, 39, and 41 are allowable under § 112, second paragraph, and requests an indication of allowability of the same.

**Rejection of Claims under 35 U.S.C. § 101**

Claims 33-35, 37, 39, and 41 stand rejected under 35 U.S.C. § 101 because the claimed invention is purportedly inoperable and therefore non-statutory.

As an initial matter, this rejection appears to be a clerical error because it appears to be based on a previous version of Applicant's claims. The rejection discusses claim language in which a business service "is independent of" a database. See Final Office Action, pp. 4-5. Applicant's pending claims do not include claim language in which a business service "is independent of" a database. Applicant brings to the Examiner's attention that the term "is

independent of” was amended from the claims in Applicant’s response dated December 31, 2007. In those amendments, the phrase “is independent of” was amended to read “is not tied to.”

Claims 33-35, 37, 39, and 41 include limitations in which a business service “is not tied to” a database, but rather “has access to a plurality of databases.” Applicant respectfully submits that these limitations are self-consistent, and do not raise any contradiction of the nature discussed in the Final Office Action. A person having ordinary skill in the art would readily understand that a computer (e.g., running Applicant’s search execution business service) may be used to search a database, and may also be used to search other databases, thus not being restricted to or “tied to” any one of the various databases.

This understanding is reinforced by the originally filed Specification. For example, Specification includes an example in which “Business component objects are typically tied to specific data and tables,” but “[o]n the other hand, business services 2315, 2320, 2325, 2330 are not tied to specific data and tables.” Specification, p. 42, lines 1-4.

At least for these reasons, Applicant respectfully submits that claims 33-35, 37, 39, and 41 are allowable under § 101. Applicant therefore respectfully requests withdrawal of the rejections of these claims under § 101 and an indication of allowability of the same.

**Rejection of Claims under 35 U.S.C. § 103(a)**

Claims 19 and 41 and “45-51” stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over U.S. Patent No. 6,292,802 issued to Kessenich et al. (“Kessenich”) in view of U.S. Patent No. 6,694,306 issued to Nishizawa et al. (“Nishizawa”) and further in view of U.S. Patent No. 6,772,150 issued to Whitman et al (“Whitman”).

The Final Office Action does not include any clear indication of a rejection under § 103(a) of independent claims 10, 16, 21, and 27. In the absence of a clear indication to the contrary, Applicant understands that the Examiner acknowledges the allowability of independent claims 10, 16, 21, and 27 under § 103(a).

**Rejected claims “45-51.”**

The rejections under § 103(a) include a rejection of claims “45-51.” However, Applicant’s pending claims do not at this time include any claims numbered 45-51. The rejection of these claims is therefore moot.

**Rejected claims 19 and 41.**

The rejections under § 103(a) also include a rejection of claims 19 and 41. Claims 19 and 41 depend, respectively, on independent claims 16 and 27. Neither independent claim 16 nor independent claim 27 is indicated in the Final Office Action as being rejected under § 103(a) (or under 35 U.S.C. §§ 102). Claims 19 and 41 as therefore allowable over the cited references as claims dependent on allowable base claims.

**Reference to previous arguments in support of the presently pending rejections.**

The Final Office Action states that the reasons for “this rejection” (e.g., the above-noted rejections of claims 19, 41, and 45-51 under § 103(a)) are “set forth in the Office Action of April 7, 2006.” See Final Office Action at p. 5. Applicant has addressed those rejections in previous responses, for example in Applicant’s response dated December 31, 2007, which



includes arguments (e.g., on pp. 14-16) that are not addressed or even acknowledged in the present Final Office Action.

For at least these reasons, Applicant submits that claims 19 and 41 are in a condition for allowance. Applicant therefore respectfully requests the Examiner's reconsideration and withdrawal of the rejections of these claims and an indication of the allowability of the same.

#### *Allowable Claims*

The Final Office Action does not provide any basis for the rejections of claims 1-3, 5-10, and 12-18, or 20-30. An notice of the allowability of all these claims should therefore be issued for all of these claims.

In addition, to the extent that the Examiner intends to continue to reject these claims based on arguments in previous Office Actions, Applicant notes that Applicant has previously responded to those rejections. The present Final Office Action fails to address these previous responses, for example Applicant's arguments on pp. 14-16 of the response filed December 31, 2007. Applicant respectfully submits that Applicant's previous responses (to the extent they are still applicable in view of Applicant's amendments in this and previous submissions) are fully responsive to those previous rejections.

#### *New Claims*

New claims 42-46 depend variously on independent claims 1 and 16, which are allowable as discussed above. Claims 42-46 are therefore allowable at least for the reasons discussed above.

**CONCLUSION**

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petition for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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